

1           814.67 (1) (c) 1. b. Traveling from the point where he or she crosses the state  
2           boundary to the place of attendance and returning by the usually traveled route  
3           between such points if his or her residence is outside the state.

4           **SECTION 2289.** 814.67 (1) (c) 2. of the statutes is renumbered 814.67 (1) (c) 2.  
5           a. and amended to read:

6           814.67 (1) (c) 2. a. ~~For interpreters~~ Except as provided in subd. 2. b., for an  
7           interpreter, the mileage rate set under s. 20.916 (8) for traveling from his or her  
8           residence to the place of attendance and returning by the usually traveled route  
9           between such points.

10          **SECTION 2290.** 814.67 (1) (c) 2. b. of the statutes is created to read:

11          814.67 (1) (c) 2. b. For an interpreter traveling to the place of attendance from  
12          his or her place of residence outside the state, the number of miles between the  
13          interpreter's residence and the point at which he or she crosses the state boundary  
14          for which the interpreter may receive reimbursement under this subdivision may not  
15          exceed 100 miles each way, following the usually traveled route between such points.

16          **SECTION 2291.** 814.75 (7) of the statutes is amended to read:

17          814.75 (7) The deoxyribonucleic acid analysis surcharge under s. 973.046 (1r).

18          **SECTION 2292.** 814.76 (5) of the statutes is amended to read:

19          814.76 (5) The deoxyribonucleic acid analysis surcharge under s. 973.046 (1r).

20          **SECTION 2293.** 852.03 (6) of the statutes is amended to read:

21          852.03 (6) **TAKING THROUGH OR BY ALIEN.** No person is disqualified from taking  
22          as an heir because the person or a person through whom he or she claims is not or  
23          at some time was not a U.S. citizen. The rights of an alien to acquire or hold land in  
24          the state are governed by ss. 710.01 ~~to~~ and 710.03.

25          **SECTION 2294.** 859.02 (2) (a) of the statutes is amended to read:

**SECTION 2294**

1       859.02 (2) (a) It is a claim based on tort, on a marital property agreement that  
2       is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income,  
3       franchise, sales, withholding, gift, or death taxes, or on unemployment insurance  
4       contributions due or benefits overpaid; a claim for funeral or administrative  
5       expenses; a claim of this state under s. 46.27 (7g), 49.496 ~~or~~, 49.682, or rules  
6       promulgated under s. 46.286 (7) 49.849; or a claim of the United States; or

7       **SECTION 2295.** 859.07 (2) (a) 3. of the statutes is amended to read:

8       859.07 (2) (a) 3. The decedent or the decedent's spouse received ~~the family care~~  
9       ~~benefit under s. 46.286~~ services provided as a benefit under a long-term care  
10      program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of ch.  
11      49, long-term community support services funded under s. 46.27 (7), or aid under s.  
12      49.68, 49.683, or 49.685.

13      **SECTION 2296.** 867.01 (3) (am) 4. of the statutes is amended to read:

14      867.01 (3) (am) 4. Whether the decedent or the decedent's spouse received ~~the~~  
15      ~~family care benefit under s. 46.286~~ services provided as a benefit under a long-term  
16      care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of  
17      ch. 49, long-term community support services funded under s. 46.27 (7) or aid under  
18      s. 49.68, 49.683 or 49.685.

19      **SECTION 2297.** 867.01 (3) (d) of the statutes is amended to read:

20      867.01 (3) (d) *Notice.* The court may hear the matter without notice or order  
21      notice to be given under s. 879.03. If the decedent or the decedent's spouse received  
22      ~~the family care benefit under s. 46.286~~ services provided as a benefit under a  
23      long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under  
24      subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7),  
25      or aid under s. 49.68, 49.683, or 49.685, the petitioner shall give notice by certified

1 mail to the department of health services as soon as practicable after filing the  
2 petition with the court.

3 **SECTION 2298.** 867.02 (2) (am) 6. of the statutes is amended to read:

4 867.02 (2) (am) 6. Whether the decedent or the decedent's spouse received the  
5 ~~family care benefit under s. 46.286~~ services provided as a benefit under a long-term  
6 care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of  
7 ch. 49, long-term community support services funded under s. 46.27 (7), or aid under  
8 s. 49.68, 49.683, or 49.685.

9 **SECTION 2299.** 867.03 (1g) (c) of the statutes is amended to read:

10 867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received the  
11 ~~family care benefit under s. 46.286~~ services provided as a benefit under a long-term  
12 care program, as defined in s. 49.496 (1) (bk), medical assistance under subch. IV of  
13 ch. 49, long-term community support services funded under s. 46.27 (7) or aid under  
14 s. 49.68, 49.683 or 49.685.

15 **SECTION 2300.** 867.03 (1m) (a) of the statutes is amended to read:

16 867.03 (1m) (a) Whenever an heir, trustee, or person who was guardian of the  
17 decedent at the time of the decedent's death intends to transfer a decedent's property  
18 by affidavit under sub. (1g) and the decedent or the decedent's spouse ever received  
19 ~~the family care benefit under s. 46.286~~ services provided as a benefit under a  
20 long-term care program, as defined in s. 49.496 (1) (bk), medical assistance under  
21 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7),  
22 or aid under s. 49.68, 49.683, or 49.685, the heir, trustee, or person who was guardian  
23 of the decedent at the time of the decedent's death shall give notice to the department  
24 of health services of his or her intent. The notice shall include the information in the  
25 affidavit under sub. (1g) and the heir, trustee, or person who was guardian of the

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1 decedent at the time of the decedent's death shall give the notice by certified mail,  
2 return receipt requested.

3 **SECTION 2301.** 867.03 (1m) (b) of the statutes is amended to read:

4 867.03 (1m) (b) An heir, trustee, or person who was guardian of the decedent  
5 at the time of the decedent's death who files an affidavit under sub. (1g) that states  
6 that the decedent or the decedent's spouse received the family care benefit under s.  
7 46.286 services provided as a benefit under a long-term care program, as defined in  
8 s. 49.496 (1) (bk), medical assistance under subch. IV of ch. 49, long-term community  
9 support services funded under s. 46.27 (7), or aid under s. 49.68, 49.683, or 49.685  
10 shall attach to the affidavit the proof of mail delivery of the notice required under par.  
11 (a) showing ~~a~~ the delivery date ~~that is not less than 10 days before the day on which~~  
12 ~~the heir, trustee, or person who was guardian of the decedent at the time of the~~  
13 ~~decedent's death files the affidavit.~~

14 **SECTION 2302.** 867.03 (2g) of the statutes is renumbered 867.03 (2g) (a) and  
15 amended to read:

16 867.03 (2g) (a) By accepting the decedent's property under this section the heir,  
17 trustee, or guardian assumes a duty to apply the property transferred for the  
18 payment of obligations according to priorities established under s. 859.25 and to  
19 distribute any balance to those persons designated in the appropriate governing  
20 instrument, as defined in s. 854.01, of the decedent or if there is no governing  
21 instrument, according to the rules of intestate succession under ch. 852, subject to  
22 par. (b). An heir or guardian may publish a notice to creditors in the same manner  
23 and with the same effect as a trustee under s. 701.065. This subsection paragraph  
24 does not prohibit any appropriate person from requesting administration of the  
25 decedent's estate under s. 856.07 or ch. 865.

1           **SECTION 2303.** 867.03 (2g) (b) of the statutes is created to read:

2           867.03 **(2g)** (b) Property transferred under this section to or by an heir, trustee,  
3 or guardian is subject to the right of the department of health services to recover  
4 under s. 46.27 (7g), 49.496, 49.682, or 49.849 an amount equal to the medical  
5 assistance that is recoverable under s. 49.496 (3) (a), an amount equal to aid under  
6 s. 49.68, 49.683, or 49.685 that is recoverable under s. 49.682 (2) (a), or an amount  
7 equal to long-term community support services under s. 46.27 that is recoverable  
8 under s. 46.27 (7g) (c) 1. and that was paid on behalf of the decedent or the decedent's  
9 spouse. Upon request, the heir, trustee, or guardian shall provide to the department  
10 of health services information about any of the decedent's property that the heir,  
11 trustee, or guardian has distributed and information about the persons to whom the  
12 property was distributed.

13           **SECTION 2304.** 867.035 (title) of the statutes is repealed.

14           **SECTION 2305.** 867.035 (1) (a) (intro.) of the statutes is renumbered 49.849 (2)  
15 (a) (intro.) and amended to read:

16           49.849 **(2)** (a) (intro.) Subject to par. ~~(bm)~~ **(b)**, the department of health services  
17 may collect from the property of a decedent, ~~including funds of a decedent that are~~  
18 ~~held by the decedent immediately before death in a joint account or a P.O.D. account,~~  
19 by affidavit under sub. ~~(2)~~ **(3)** ~~(b)~~ or by lien under sub. ~~(2m)~~ **(4)** ~~(a)~~ an amount equal  
20 to the medical assistance that is recoverable under s. 49.496 (3) (a), the long-term  
21 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)  
22 1., ~~the family care benefit that is recoverable under rules promulgated under s.~~  
23 ~~46.286 (7),~~ or the aid under s. 49.68, 49.683, or 49.685 that is recoverable under s.  
24 49.682 (2) (a), and that was paid on behalf of the decedent or the decedent's spouse,  
25 if all of the following conditions are satisfied:

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1       **SECTION 2306.** 867.035 (1) (a) 1. of the statutes is repealed.

2       **SECTION 2307.** 867.035 (1) (a) 2. of the statutes is renumbered 49.849 (2) (a) 1.

3       **SECTION 2308.** 867.035 (1) (a) 3. of the statutes is renumbered 49.849 (2) (a) 2.

4       **SECTION 2309.** 867.035 (1) (a) 4. of the statutes is repealed.

5       **SECTION 2310.** 867.035 (1) (bm) of the statutes is renumbered 49.849 (2) (b),  
6 and 49.849 (2) (b) (intro.), as renumbered, is amended to read:

7       49.849 (2) (b) (intro.) The department of health services shall reduce the  
8 amount of its recovery under par. (a) by up to the amount specified in s. 861.33 (2)  
9 if necessary to allow the decedent's heirs or beneficiaries under the decedent's will  
10 to retain the following personal property of the decedent:

11       **SECTION 2311.** 867.035 (2) of the statutes is renumbered 49.849 (3) (b) and  
12 amended to read:

13       49.849 (3) (b) A person who possesses or receives property of a decedent shall  
14 transmit the property to the department of health services, if the conditions in sub.  
15 ~~(1) (a) 1. to 4.~~ (2) (a) 1. and 2. are satisfied, upon receipt of an affidavit by a person  
16 designated by the secretary of health services to administer this section showing that  
17 the department paid on behalf of the decedent or the decedent's spouse recoverable  
18 benefits specified in sub. ~~(1) (2) (a).~~ Upon transmittal, the person is released from  
19 any obligation to other creditors or heirs of the decedent.

20       **SECTION 2312.** 867.035 (2m) (a) of the statutes is renumbered 49.849 (4) (a),  
21 and 49.849 (4) (a) (intro.), as renumbered, is amended to read:

22       49.849 (4) (a) (intro.) If the conditions condition in sub. ~~(1) (a) 1., 2., and 4.~~ are  
23 (2) (a) 1. is satisfied, the department of health services shall have a lien in the amount  
24 that it may recover under sub. ~~(1) (2) (a)~~ on any interest in the decedent's any  
25 property of the decedent that is real property, including a home, as defined in s.

1 49.496 (1) (b), ~~transferred under s. 867.03 (1g)~~. The department may record the lien  
2 in the office of the register of deeds of the county in which the real property is located.

3 (b) The department may enforce ~~the~~ a lien under par. (a) by foreclosure in the  
4 same manner as a mortgage on real property, unless any of the following is alive:

5 **SECTION 2313.** 867.035 (2m) (b) of the statutes is repealed.

6 **SECTION 2314.** 867.035 (3) of the statutes is renumbered 49.849 (5) and  
7 amended to read:

8 49.849 (5) OTHER VALID CLAIMS. If a person has a valid claim against ~~the~~  
9 ~~decedent's estate property of the decedent~~ that would have a higher priority under  
10 s. 859.25 (1) if the ~~estate were administered~~ property were subject to administration  
11 than the department of ~~health services~~ would have under s. 859.25 (1) (e) and the  
12 person demands payment in writing within one year of the date on which the  
13 property was transmitted to the department, the department shall pay to the person  
14 the value of the property collected under sub. ~~(2)~~ (3) or the amount of the claim,  
15 whichever is less. The department may authorize any person who possesses  
16 property of the decedent to honor higher priority claims with the decedent's property  
17 before transmitting property to the department.

18 **SECTION 2315.** 867.035 (4) of the statutes is renumbered 49.849 (6) (a) and  
19 amended to read:

20 49.849 (6) (a) From the appropriation under s. 20.435 (4) (im), with respect to  
21 funds collected by the department under sub. ~~(1)~~ (2) related to medical assistance  
22 paid on behalf of the decedent or the decedent's spouse, the department of ~~health~~  
23 ~~services~~ shall pay claims under sub. ~~(3)~~ (5), shall pay to the federal government from  
24 the amount recovered under this section and not paid out as claims under sub. ~~(3)~~  
25 (5) an amount equal to the amount of federal funds used to pay the benefits recovered

1 under this section and shall spend the remainder of the amount recovered under this  
2 section for medical assistance benefits under subch. IV of ch. 49.

3 **SECTION 2316.** 867.035 (4m) of the statutes is renumbered 49.849 (6) (b) and  
4 amended to read:

5 49.849 (6) (b) From the appropriation under s. 20.435 (7) (im), with respect to  
6 funds collected by the department under sub. (1) (2) related to long-term community  
7 support services funded under s. 46.27 (7) paid on behalf of the decedent or the  
8 decedent's spouse, the department of health services shall pay claims under sub. (3)  
9 (5) and shall spend the remainder of the funds recovered under this section for  
10 long-term community support services funded under s. 46.27 (7).

11 **SECTION 2317.** 867.035 (5) of the statutes is renumbered 49.849 (7) and  
12 amended to read:

13 49.849 (7) RULES FOR HARDSHIP WAIVER. The department of health services shall  
14 promulgate rules establishing standards to determine whether the application of  
15 this section would work an undue hardship in individual cases. If the department  
16 of health services determines that the application of this section would work an  
17 undue hardship in a particular case, the department shall waive the application of  
18 this section in that case. This subsection does not apply with respect to collecting  
19 from the property of a decedent if the decedent is a deceased nonrecipient surviving  
20 spouse.

21 **SECTION 2318.** 893.33 (4r) of the statutes is created to read:

22 893.33 (4r) This section applies to liens of the department of health services  
23 on real property under ss. 46.27 (7g), 49.496, 49.682, 49.848, and 49.849.

24 **SECTION 2319.** 938.06 (1) (title) of the statutes is amended to read:

25 938.06 (1) (title) COUNTIES WITH A POPULATION OF 500,000 750,000 OR MORE.



1           **SECTION 2320.** 938.06 (1) (a) 1. of the statutes is amended to read:

2           938.06 (1) (a) 1. In counties with a population of ~~500,000~~ 750,000 or more, the  
3       county board of supervisors shall provide the court with the services necessary for  
4       investigating and supervising cases under this chapter by operating a children's  
5       court center under the supervision of a director who is appointed as provided in s.  
6       46.21 (1m) (a). Except as otherwise provided in this subsection, the director is the  
7       chief administrative officer of the center and of the intake and probation sections and  
8       juvenile detention facilities of the center. The director is responsible for managing  
9       the personnel of, and administering the services of, the sections and the juvenile  
10      detention facilities, and for supervising operation of the physical plant and  
11      maintenance and improvement of the buildings and grounds of the center.

12          **SECTION 2321.** 938.06 (2) (title) of the statutes is amended to read:

13          938.06 (2) (title) COUNTIES WITH A POPULATION UNDER ~~500,000~~ 750,000.

14          **SECTION 2322.** 938.06 (2) (a) of the statutes is amended to read:

15          938.06 (2) (a) In counties having less than ~~500,000~~ 750,000 population, the  
16      county board of supervisors shall authorize the county department or the court, or  
17      both, to provide intake services under s. 938.067 and the staff needed to provide  
18      dispositional services under s. 938.069. Intake services shall be provided by  
19      employees of the court or the county department and may not be subcontracted to  
20      other individuals or agencies, except as provided in par. (am). Intake workers shall  
21      be governed in their intake work, including their responsibilities for requesting the  
22      filing of a petition and entering into a deferred prosecution agreement, by general  
23      written policies established by the circuit judges for the county, subject to the  
24      approval of the chief judge of the judicial administrative district.

25          **SECTION 2323.** 938.06 (4) of the statutes is amended to read:

**SECTION 2323**

1           938.06 (4) STATE AID. State aid to any county for juvenile delinquency-related  
2   court services under this section shall be at the same net effective rate that each  
3   county is reimbursed for county administration under s. 48.569, except as provided  
4   in s. 301.26. Counties having a population of less than 500,000 750,000 may use  
5   funds received under ss. 48.569 (1) (d) and 301.26, including county or federal  
6   revenue sharing funds allocated to match funds received under s. 48.569 (1) (d), for  
7   the cost of providing court attached intake services in amounts not to exceed ~~50%~~ 50  
8   percent of the cost of providing court attached intake services or \$30,000 per county  
9   per calendar year, whichever is less.

10           **SECTION 2324.** 938.21 (1m) of the statutes is created to read:

11           938.21 (1m) BIOLOGICAL SPECIMEN. If the juvenile has been taken into custody  
12   on the basis of a violation that would be a felony if committed by an adult in this state  
13   or of a violation of s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31, 944.33 (1),  
14   946.52, or 948.10 (1) (b), the court shall determine if a biological specimen has been  
15   obtained from the juvenile under s. 165.84 (7), and if not, the court shall direct that  
16   a law enforcement agency or tribal law enforcement agency obtain a biological  
17   specimen from the juvenile and submit it to the state crime laboratories as specified  
18   in rules promulgated by the department of justice under s. 165.76 (4).

19           **SECTION 2325.** 938.30 (2m) of the statutes is created to read:

20           938.30 (2m) BIOLOGICAL SPECIMEN. If the juvenile is before the court on the basis  
21   of a violation that would be a felony if committed by an adult in this state or of a  
22   violation of s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or  
23   948.10 (1) (b), the court shall determine if a biological specimen has been obtained  
24   from the juvenile under s. 165.84 (7), and if not, the court shall direct that a law  
25   enforcement agency or tribal law enforcement agency obtain a biological specimen

1 from the juvenile and submit it to the state crime laboratories as specified in rules  
2 promulgated by the department of justice under s. 165.76 (4).

3 **SECTION 2326.** 938.34 (6m) of the statutes is amended to read:

4 938.34 (6m) COORDINATED SERVICES PLAN OF CARE. If the report prepared under  
5 s. 938.33 (1) recommends that the juvenile is in need of a coordinated services plan  
6 of care and if an initiative under s. 46.56 has been established ~~in~~ for the county or,  
7 if applicable, ~~by~~ for a tribe, order that an assessment of the juvenile and the juvenile's  
8 family for eligibility for and appropriateness of the initiative, and if eligible for  
9 enrollment in the initiative, that a coordinated services plan of care be developed and  
10 implemented.

11 **SECTION 2327.** 938.34 (15) (a) 1. and 3. of the statutes are consolidated,  
12 renumbered 938.34 (15) (a) and amended to read:

13 938.34 (15) (a) If the juvenile is adjudicated delinquent on the basis of a  
14 violation that would be a felony if committed by an adult in this state or of a violation  
15 of s. 940.225, 948.02 (1) or (2), 948.025, or 948.085 (2) (3m), 941.20 (1), 944.20, 944.30,  
16 944.31, 944.33 (1), 946.52, or 948.10 (1) (b), the court shall require the juvenile to  
17 provide comply with the requirement under s. 165.76 (1) (am) by providing a  
18 biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.  
19 ~~3. The results from deoxyribonucleic acid analysis of a specimen under subd. 1. or~~  
20 ~~2. this paragraph may be used only as authorized under s. 165.77 (3). The state crime~~  
21 ~~laboratories shall destroy any such specimen in accordance with s. 165.77 (3).~~

22 **SECTION 2328.** 938.34 (15) (a) 2. of the statutes is repealed.

23 **SECTION 2329.** 938.34 (15) (b) of the statutes is amended to read:

24 938.34 (15) (b) ~~The department of justice shall promulgate rules providing~~  
25 ~~procedures for juveniles to provide specimens~~ Biological samples required under par.

(a) ~~and for the transportation of the specimens to the state crime laboratories under s. 165.77 shall be obtained and submitted as specified in rules promulgated by the department of justice under s. 165.76 (4).~~

**SECTION 2330.** 938.355 (4) (a) of the statutes is amended to read:

938.355 (4) (a) Except as provided under par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in his or her home shall terminate ~~at the end of~~ one year after the date on which the order is granted unless the court specifies a shorter period of time or the court terminates the order sooner.

(am) Except as provided in par. (b) or s. 938.368, an order under this section or s. 938.357 or 938.365 made before the juvenile attains 18 years of age that places or continues the placement of the juvenile in a foster home, group home, or residential care center for children and youth or in the home of a relative other than a parent shall terminate when on the latest of the following dates, unless the court specifies a shorter period or the court terminates the order sooner:

1. The date on which the juvenile attains 18 years of age, ~~at the end of~~

2. The date that is one year after the date on which the order is granted, ~~or, if,~~

3. If the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and is reasonably expected to complete the program before attaining 19 years of age, when the date on which the juvenile attains 19 years of age, ~~whichever is later, unless the court specifies a shorter period of time or the court terminates the order sooner.~~

**SECTION 2331.** 938.355 (4) (am) 4. of the statutes is created to read:

938.355 (4) (am) 4. If the juvenile is a full-time student at a secondary school or its vocational or technical equivalent and if an individualized education program

1 under s. 115.787 is in effect for the juvenile, the date on which the juvenile attains  
2 21 years of age.

3 **SECTION 2332.** 938.357 (6) of the statutes is renumbered 938.357 (6) (a) and  
4 amended to read:

5 938.357 (6) (a) No change in placement may extend the expiration date of the  
6 original order, except that if the change in placement is from a placement in the  
7 juvenile's home to a placement in a foster home, group home, or residential care  
8 center for children and youth or in the home of a relative who is not a parent, the court  
9 may extend the expiration date of the original order to the latest of the following  
10 dates, unless the court specifies a shorter period:

11 1. The date on which the juvenile attains 18 years of age, to the,

12 2. The date that is one year after the date of on which the change in placement  
13 order, or, if is granted.

14 3. If the juvenile is a full-time student at a secondary school or its vocational  
15 or technical equivalent and is reasonably expected to complete the program before  
16 attaining 19 years of age, to the date on which the juvenile attains 19 years of age,  
17 whichever is later, or for a shorter period of time as specified by the court.

18 (b) If the change in placement is from a placement in a foster home, group home,  
19 or residential care center for children and youth or in the home of a relative to a  
20 placement in the juvenile's home and if the expiration date of the original order is  
21 more than one year after the date of the change in placement order, the court shall  
22 shorten the expiration date of the original order to the date that is one year after the  
23 date of on which the change in placement order is granted or to an earlier date as  
24 specified by the court.

25 **SECTION 2333.** 938.357 (6) (a) 4. of the statutes is created to read:

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1           938.357 (6) (a) 4. If the juvenile is a full-time student at a secondary school or  
2           its vocational or technical equivalent and if an individualized education program  
3           under s. 115.787 is in effect for the juvenile, the date on which the juvenile reaches  
4           21 years of age.

5           **SECTION 2334.** 938.365 (5) of the statutes is renumbered 938.365 (5) (a) and  
6           amended to read:

7           938.365 (5) (a) Except as provided in s. 938.368, an order under this section that  
8           continues the placement of a juvenile in his or her home or that extends an order  
9           under s. 938.34 (4d), (4h), (4m), or (4n) shall be for a specified length of time not to  
10          exceed one year after its the date of entry on which the order is granted.

11          (b) Except as provided in s. 938.368, an order under this section that continues  
12          the placement of a juvenile in a foster home, group home, or residential care center  
13          for children and youth or in the home of a relative other than a parent shall be for  
14          a specified length of time not to exceed the latest of the following dates:

15           1. The date on which the juvenile attains 18 years of age,

16           2. The date that is one year after the date on which the order is granted, or, if,

17           3. If the juvenile is a full-time student at a secondary school or its vocational  
18          or technical equivalent and is reasonably expected to complete the program before  
19          attaining 19 years of age, the date on which the juvenile attains 19 years of age,  
20          whichever is later.

21          **SECTION 2335.** 938.365 (5) (b) 4. of the statutes is created to read:

22          938.365 (5) (b) 4. If the juvenile is a full-time student at a secondary school or  
23          its vocational or technical equivalent and if an individualized education program  
24          under s. 115.787 is in effect for the juvenile, the date on which the juvenile attains  
25          21 years of age.

1           **SECTION 2336.** 938.48 (4) of the statutes is amended to read:

2           938.48 (4) CARE, TRAINING, AND PLACEMENT. Provide appropriate care and  
3 training for juveniles under its supervision under s. 938.183, 938.34 (4h), (4m), or  
4 (4n), or 938.357 (4), including serving those juveniles in their own homes, placing  
5 them in licensed foster homes or licensed group homes under s. 48.63 or in  
6 independent living situations as provided in s. 938.34 (3) (e), contracting for their  
7 care by licensed child welfare agencies, or replacing them in juvenile correctional  
8 facilities or secured residential care centers for children and youth in accordance  
9 with rules promulgated under ch. 227, except that the department may not purchase  
10 the educational component of private day treatment programs for a juvenile in its  
11 custody unless the department, the school board, as defined in s. 115.001 (7), and the  
12 state superintendent of public instruction all determine that an appropriate public  
13 education program is not available for the juvenile. Disputes between the  
14 department and the school district shall be resolved by the state superintendent of  
15 public instruction.

16           **SECTION 2337.** 944.21 (8) (b) 3. a. of the statutes is amended to read:

17           944.21 (8) (b) 3. a. Is a technical college, is a school approved by the educational  
18 approval board under s. ~~38.50~~ 440.55, or is a school described in s. ~~38.50~~ 440.55 (1)  
19 (e) 6., 7. or 8.; and

20           **SECTION 2338.** 948.11 (4) (b) 3. a. of the statutes is amended to read:

21           948.11 (4) (b) 3. a. Is a technical college, is a school approved by the educational  
22 approval board under s. ~~38.50~~ 440.55, or is a school described in s. ~~38.50~~ 440.55 (1)  
23 (e) 6., 7. or 8.; and

24           **SECTION 2339.** 950.06 (2) of the statutes is amended to read:

1           950.06 (2) The costs of providing services under sub. (1m) shall be paid for by  
2           the county, but the county is eligible to receive reimbursement from the state for not  
3           more than 90% of the costs incurred in providing those services. The department  
4           shall determine the level of services for which a county may be reimbursed. The  
5           county board shall file a claim for reimbursement with the department. The  
6           department shall reimburse counties under this subsection from the ~~appropriation~~  
7           appropriations under s. 20.455 (5) (k), ~~(kk)~~ and (kp) and, on a semiannual basis, from  
8           the ~~appropriations~~ appropriation under s. 20.455 (5) ~~(e)~~ and (g).

9           **SECTION 2340.** 961.41 (5) (c) 2. of the statutes is amended to read:

10           961.41 (5) (c) 2. All moneys in excess of \$850,000 and up to \$1,275,000 plus  
11           one-third of moneys in excess of \$1,275,000 collected in each fiscal year from drug  
12           surcharges under this subsection shall be credited to the appropriation account  
13           under s. 20.505 ~~(6) (ku)~~ 20.455 (2) (kv).

14           **SECTION 2341.** 961.472 (5) (b) of the statutes is amended to read:

15           961.472 (5) (b) The person is participating in a substance abuse treatment  
16           program that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as determined  
17           by the ~~office of justice assistance~~ department of justice under s. ~~16.964 (12) (i)~~ 165.95  
18           (9) and (10).

19           **SECTION 2342.** 967.11 (1) of the statutes is amended to read:

20           967.11 (1) In this section, “approved substance abuse treatment program”  
21           means a substance abuse treatment program that meets the requirements of s.  
22           ~~16.964 (12) (e)~~ 165.95 (3), as determined by the ~~office of justice assistance~~ department  
23           of justice under s. ~~16.964 (12) (i)~~ 165.95 (9) and (10).

24           **SECTION 2343.** 970.02 (8) of the statutes is created to read:



1           970.02 (8) If the offense charged is a felony or an offense under s. 940.225 (3m),  
2           941.20 (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1) (b), the judge shall  
3           determine if a biological specimen has been obtained from the defendant under s.  
4           165.84 (7), and, if not, the judge shall direct that a law enforcement agency or tribal  
5           law enforcement agency obtain a biological specimen from the defendant and submit  
6           it to the state crime laboratories as specified in rules promulgated by the department  
7           of justice under s. 165.76 (4).

8           **SECTION 2344.** 971.17 (1m) (a) of the statutes is amended to read:

9           971.17 (1m) (a) If the defendant under sub. (1) is found not guilty by reason of  
10          mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or of  
11          s. 940.225 (3m), 941.20 (1), 944.20, 944.30, 944.31, 944.33 (1), 946.52, or 948.10 (1)  
12          (b), the court shall require the person to provide a biological specimen to the state  
13          crime laboratories for deoxyribonucleic acid analysis. Biological specimens required  
14          under this paragraph shall be obtained and submitted as specified in rules  
15          promulgated by the department of justice under s. 165.76 (4).

16          **SECTION 2345.** 973.042 (3) of the statutes is repealed.

17          **SECTION 2346.** 973.042 (5) of the statutes is amended to read:

18          973.042 (5) The secretary of administration shall credit ~~part A of the surcharge~~  
19          ~~to the appropriation account under s. 20.410 (1) (gj). The secretary of administration~~  
20          ~~shall credit part B of the surcharge to the appropriation account under s. 20.455 (2)~~  
21          ~~(5) (gj). The secretary of administration shall credit part C of the surcharge to the~~  
22          ~~appropriation account under s. 20.505 (6) (gj).~~

23          **SECTION 2347.** 973.043 (3) of the statutes is amended to read:

**SECTION 2347**

1           973.043 (3) All moneys collected from drug offender diversion surcharges shall  
2           be credited to the appropriation account under s. ~~20.505 (6) (ku)~~ 20.455 (2) (kv) and  
3           used for the purpose of making grants to counties under s. ~~16.964 (12)~~ 165.95.

4           **SECTION 2348.** 973.045 (1) of the statutes is amended to read:

5           973.045 (1) If a court imposes a sentence or places a person on probation, the  
6           court shall impose a crime victim and witness assistance surcharge. A surcharge  
7           imposed under this subsection may not be waived, reduced, or forgiven for any  
8           reason. The surcharge is the total amount calculated by adding up the amount for  
9           every misdemeanor count and every felony count as follows:

10           (a) For each misdemeanor ~~offense or count on which a conviction occurred~~, \$67.

11           (b) For each felony ~~offense or count on which a conviction occurred~~, \$92.

12           **SECTION 2349.** 973.045 (1r) of the statutes is repealed.

13           **SECTION 2350.** 973.045 (2) of the statutes is amended to read:

14           973.045 (2) After the clerk determines the amount due, the clerk of court shall  
15           collect and transmit the amount to the county treasurer under s. 59.40 (2) (m). The  
16           county treasurer shall then make payment to the secretary of administration under  
17           s. 59.25 (3) (f) 2. The secretary of administration shall credit to the appropriation  
18           account under s. 20.455 (5) (g) the amount paid to the secretary by the county  
19           treasurer under this subsection and any amount collected under sub. (4).

20           **SECTION 2351.** 973.045 (2m) of the statutes is repealed.

21           **SECTION 2352.** 973.045 (3) of the statutes is repealed.

22           **SECTION 2353.** 973.046 (1g) of the statutes is repealed.

23           **SECTION 2354.** 973.046 (1r) of the statutes is renumbered 973.046 (1r) (intro.)  
24           and amended to read:

1           973.046 (1r) (intro.) If a court imposes a sentence or places a person on  
2     probation ~~for a violation of s. 940.225, 948.02 (1) or (2), 948.025, 948.085,~~ the court  
3     shall impose a deoxyribonucleic acid analysis surcharge of ~~\$250.,~~ calculated as  
4     follows:

5           **SECTION 2355.** 973.046 (1r) (a) and (b) of the statutes are created to read:

6           973.046 (1r) (a) For each conviction for a felony, \$250.

7           (b) For each conviction for a misdemeanor, \$200.

8           **SECTION 2356.** 973.047 (1f) of the statutes is amended to read:

9           973.047 (1f) If a court imposes a sentence or places a person on probation ~~for~~  
10    ~~a felony conviction or for a conviction for a violation of s. 165.765 (1), 940.225 (3m),~~  
11    ~~944.20, or 948.10 (1) (b),~~ the court shall require the person to provide a biological  
12    specimen to the state crime laboratories for deoxyribonucleic acid analysis.

13          **SECTION 2357.** 973.047 (1m) of the statutes is amended to read:

14          973.047 (1m) The results from deoxyribonucleic acid analysis of a specimen  
15    provided under this section may be used only as authorized under s. 165.77 (3). ~~The~~  
16    ~~state crime laboratories shall destroy any such specimen in accordance with s. 165.77~~  
17    ~~(3).~~

18          **SECTION 2358.** 973.047 (2) of the statutes is amended to read:

19          973.047 (2) ~~The department of justice shall promulgate rules providing for~~  
20    ~~procedures for defendants to provide specimens when~~ Biological samples ~~required~~  
21    ~~to do so under this section and for the transportation of those specimens to the state~~  
22    ~~crime laboratories for analysis under s. 165.77 sub. (1f) shall be obtained and~~  
23    ~~submitted as specified in rules promulgated by the department of justice under s.~~  
24    165.76 (4).

25          **SECTION 2359.** 973.09 (3) (bg) of the statutes is created to read:

1           973.09 (3) (bg) 1. At least 90 days before the expiration date of a probationer's  
2       period of probation, the department shall notify the sentencing court and district  
3       attorney that a probationer owes an unpaid surcharge imposed under s. 973.045.  
4       Upon receiving notice from the department, the court shall schedule a probation  
5       review hearing to be held before the expiration date of the period of probation unless  
6       the probationer either pays the unpaid surcharge before the scheduled hearing date  
7       or voluntarily waives the hearing. A waiver of a probation review hearing under this  
8       paragraph must include an acknowledgment by the probationer that waiver may  
9       result in an extension of the probation period, a modification of the terms and  
10      conditions of probation, or a revocation of probation.

11           2. If the court does not extend probation, the court shall issue a judgment for  
12      the unpaid surcharge and direct the clerk of circuit court to file and enter the  
13      judgment in the judgment and lien docket. The judgment has the same force and  
14      effect as judgments entered under s. 806.10.

15           3. At a probation review hearing scheduled under subd. 1., the department has  
16      the burden of proving that the probationer owes an unpaid surcharge imposed under  
17      s. 973.045 and the amount of the unpaid surcharge. If the department proves by a  
18      preponderance of the evidence that the probationer owes an unpaid surcharge under  
19      s. 973.045, the court may, by order, extend the period of probation for a stated period  
20      or modify the terms and conditions of probation.

21           4. If the court does not extend or modify the terms of probation under subd. 3.,  
22      the court shall issue a judgment for the unpaid surcharge and direct the clerk of  
23      circuit court to file and enter the judgment in the judgment and lien docket without  
24      fee. If the court issues a judgment for the unpaid surcharge, the court shall send to  
25      the department a written notification that a civil judgment has been issued for the

1 unpaid fees. The judgment has the same force and effect as judgments entered under  
2 s. 806.10.

3 **SECTION 2360.** 973.155 (1m) of the statutes is amended to read:

4 973.155 (1m) A convicted offender shall be given credit toward the service of  
5 his or her sentence for all days spent in custody as part of a substance abuse  
6 treatment program that meets the requirements of s. ~~16.964 (12) (e)~~ 165.95 (3), as  
7 determined by the ~~office of justice assistance~~ department of justice under s. ~~16.964~~  
8 ~~(12) (i)~~ 165.95 (9) and (10), for any offense arising out of the course of conduct that  
9 led to the person's placement in that program.

10 **SECTION 2361.** 980.063 (1) (b) of the statutes is amended to read:

11 980.063 (1) (b) The results from deoxyribonucleic acid analysis of a specimen  
12 under par. (a) may be used only as authorized under s. 165.77 (3). ~~The state crime~~  
13 ~~laboratories shall destroy any such specimen in accordance with s. 165.77 (3).~~

14 **SECTION 2362.** 980.063 (2) of the statutes is amended to read:

15 980.063 (2) ~~The department of justice shall promulgate rules providing for~~  
16 ~~procedures for defendants to provide specimens~~ Biological samples required under  
17 sub. (1) ~~and for the transportation of those specimens to the state crime laboratories~~  
18 ~~for analysis under s. 165.77 (a) shall be obtained and submitted as specified in rules~~  
19 promulgated by the department of justice under s. 165.76 (4).

20 **SECTION 2363.** 995.10 (1) (i) 1. d. of the statutes is created to read:

21 995.10 (1) (i) 1. d. Owns an automated roll-your-own machine that is used to  
22 make cigarettes, not including an individual who owns a roll-your-own machine and  
23 uses the machine in his or her home solely to make cigarettes for his or her personal  
24 use or for the use of other individuals who live in his or her home.

25 **SECTION 2364.** 2011 Wisconsin Act 32, section 9219 (1u) is amended to read:

1 [2011 Wisconsin Act 32] Section 9219 (1u) APPROPRIATION LAPSES AND  
2 REESTIMATES. The governor shall take actions during the 2011–13 ~~and 2013–15 fiscal~~  
3 ~~biennia~~ fiscal biennium to ensure that from general purpose revenue appropriations  
4 to the office of the governor under section 20.525 of the statutes an amount equal to  
5 \$582,200 is lapsed from sum certain appropriation accounts or is subtracted from the  
6 expenditure estimates for any other types of appropriations, or both, in each that  
7 fiscal biennium.

8 **SECTION 2365.** 2011 Wisconsin Act 32, section 9255 (1) (b) is amended to read:

9 [2011 Wisconsin Act 32] Section 9255 (1) (b) Notwithstanding section 20.001  
10 (3) (a) to (c) of the statutes, but subject to paragraph (e), the secretary of  
11 administration shall lapse to the general fund from the unencumbered balances of  
12 general purpose revenue and program revenue appropriations to executive branch  
13 state agencies, other than sum sufficient appropriations and appropriations of  
14 federal revenues, an amount equal to \$174,300,000 in the 2011–13 fiscal biennium  
15 ~~and \$174,300,000 in the 2013–15 fiscal biennium~~. Before lapsing any moneys under  
16 this paragraph, the secretary shall develop a plan for lapsing the moneys and shall  
17 submit the plan to the joint committee on finance. If the cochairpersons of the joint  
18 committee on finance do not notify the secretary within 14 working days after the  
19 date of the submittal of the plan that the committee has scheduled a meeting to  
20 review the plan, the plan may be implemented by the secretary. If, within 14 days  
21 after the date of the submittal of the plan, the cochairpersons of the committee notify  
22 the secretary that the committee has scheduled a meeting to review the plan, moneys  
23 may be lapsed only after the plan has been approved by the committee.

24 **SECTION 2366.** 2011 Wisconsin Act 212, section 13 (1) of the statutes is  
25 repealed.

**SECTION 9101. Nonstatutory provisions; Administration.**

(1) TRANSFER OF OFFICE OF JUSTICE ASSISTANCE.

(a) *Assets and liabilities.* On the effective date of this paragraph, the assets and liabilities of the office of justice assistance, except those that are primarily related to administering federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, as determined by the department of administration become the assets and liabilities of the department of justice. On the effective date of this paragraph, the assets and liabilities of the office of justice assistance that are primarily related to administering federal homeland security moneys, and not related to interoperable communications, as determined by the department of administration, become the assets and liabilities of the department of military affairs. On the effective date of this paragraph, the assets and liabilities of the office of justice assistance that are primarily related to the reintegration of American Indians who have been incarcerated, as determined by the department of administration, become the assets and liabilities of the department of corrections.

(b) *Employee transfers.* On the effective date of this paragraph, the incumbents holding those positions in the department of administration performing duties that are primarily related to the office of justice assistance, except those positions performing duties that are primarily related to administering federal homeland security moneys, or to reintegrating American Indians who have been incarcerated, as determined by the department of administration, are transferred to the department of justice. On the effective date of this paragraph, the incumbents holding those positions that are primarily related to administering federal homeland security moneys, and not related to interoperable communications, as determined by the department of administration, are transferred to the department of military

1       affairs. On the effective date of this paragraph, the incumbents holding those  
2       positions that are primarily related to reintegrating American Indians who have  
3       been incarcerated, as determined by the department of administration, are  
4       transferred to the department of corrections.

5           (c) *Employee status.* Employees transferred under paragraph (b) have all the  
6       rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
7       statutes in the department of justice, the department of military affairs, or the  
8       department of corrections, whichever is applicable, that they enjoyed in the office of  
9       justice assistance immediately before the transfer. Notwithstanding section 230.28  
10      (4) of the statutes, no employee so transferred who has attained permanent status  
11      in class is required to serve a probationary period.

12          (d) *Tangible personal property.* On the effective date of this paragraph, all  
13      tangible personal property, including records, of the office of justice assistance,  
14      except property that is primarily related to administering federal homeland security  
15      moneys, or property that is primarily related to reintegrating American Indians who  
16      have been incarcerated, as determined by the department of administration, is  
17      transferred to the department of justice. On the effective date of this paragraph, all  
18      tangible personal property, including records, of the office of justice assistance that  
19      is primarily related to administering federal homeland security moneys, and not  
20      related to interoperable communications, as determined by the department of  
21      administration, is transferred to the department of military affairs. On the effective  
22      date of this paragraph, all tangible personal property, including records, of the office  
23      of justice assistance that is primarily related to reintegrating American Indians who  
24      have been incarcerated, as determined by the department of administration, is  
25      transferred to the department of corrections.



1           (e) *Contracts.*

2           1. All contracts entered into by the office of justice assistance in effect on the  
3 effective date of this subdivision, except contracts that are primarily related to  
4 administering federal homeland security moneys, or are primarily related to  
5 reintegrating American Indians who have been incarcerated, as determined by the  
6 department of administration, remain in effect and are transferred to the  
7 department of justice. The department of justice shall carry out any such contractual  
8 obligations unless modified or rescinded by the department of justice to the extent  
9 allowed under the contract.

10          2. All contracts entered into by the office of justice assistance in effect on the  
11 effective date of this subdivision that are primarily related to administering federal  
12 homeland security moneys, and not related to interoperable communications, as  
13 determined by the department of administration, remain in effect and are  
14 transferred to the department of military affairs. The department of military affairs  
15 shall carry out any such contractual obligations unless modified or rescinded by the  
16 department of military affairs to the extent allowed under the contract.

17          3. All contracts entered into by the office of justice assistance in effect on the  
18 effective date of this subdivision that are primarily related to reintegrating  
19 American Indians who have been incarcerated, as determined by the department of  
20 administration, remain in effect and are transferred to the department of  
21 corrections. The department of corrections shall carry out any such contractual  
22 obligations unless modified or rescinded by the department of corrections to the  
23 extent allowed under the contract.

24          (f) *Pending matters.* Any matter pending with the office of justice assistance  
25 on the effective date of this paragraph, except matters that are primarily related to

1 administering federal homeland security moneys, or to reintegrating American  
2 Indians who have been incarcerated, as determined by the department of  
3 administration, is transferred to the department of justice, and all materials  
4 submitted to or actions taken by the office of justice assistance with respect to the  
5 pending matter are considered as having been submitted to or taken by the  
6 department of justice. Any matter pending with the office of justice assistance on the  
7 effective date of this paragraph that is primarily related to administering federal  
8 homeland security moneys, and not related to interoperable communications, as  
9 determined by the department of administration, is transferred to the department  
10 of military affairs, and all materials submitted to or actions taken by the office of  
11 justice assistance with respect to the pending matter are considered as having been  
12 submitted to or taken by the department of military affairs. Any matter pending  
13 with the office of justice assistance on the effective date of this paragraph that is  
14 primarily related to reintegrating American Indians who have been incarcerated, as  
15 determined by the department of administration, is transferred to the department  
16 of corrections, and all materials submitted to or actions taken by the office of justice  
17 assistance with respect to the pending matter are considered as having been  
18 submitted to or taken by the department of corrections.

19 (g) *Rules and orders.*

20 1. All rules promulgated for the office of justice assistance, except rules that are  
21 primarily related to administering federal homeland security moneys, or to  
22 reintegrating American Indians who have been incarcerated, as determined by the  
23 department of administration, that are in effect on the effective date of this  
24 subdivision remain in effect until their specified expiration dates or until amended  
25 or repealed by the department of justice. All orders issued by the office of justice

1 assistance, except orders that are primarily related to administering federal  
2 homeland security moneys, or to reintegrating American Indians who have been  
3 incarcerated, as determined by the department of administration, that are in effect  
4 on the effective date of this subdivision remain in effect until their specified  
5 expiration dates or until modified or rescinded by the department of justice.

6 2. All rules promulgated for the office of justice assistance that are primarily  
7 related to administering federal homeland security moneys, and not related to  
8 interoperable communications, as determined by the department of administration,  
9 and that are in effect on the effective date of this subdivision remain in effect until  
10 their specified expiration dates or until amended or repealed by the department of  
11 military affairs. All orders issued by the office of justice assistance that are primarily  
12 related to administering federal homeland security moneys, and not related to  
13 interoperable communications, as determined by the department of administration,  
14 and that are in effect on the effective date of this subdivision remain in effect until  
15 their specified expiration dates or until modified or rescinded by the department of  
16 military affairs.

17 3. All rules promulgated for the office of justice assistance that are primarily  
18 related to reintegrating American Indians who have been incarcerated, as  
19 determined by the department of administration, and that are in effect on the  
20 effective date of this subdivision remain in effect until their specified expiration  
21 dates or until amended or repealed by the department of corrections. All orders  
22 issued by the office of justice assistance that are primarily related to reintegrating  
23 American Indians who have been incarcerated, as determined by the department of  
24 administration, and that are in effect on the effective date of this subdivision remain

1 in effect until their specified expiration dates or until modified or rescinded by the  
2 department of corrections.

3 (2) GENERAL PRIME CONTRACTOR CONTRACT. When the department of  
4 administration develops a contract under section 16.855 (14m) (a) of the statutes, as  
5 created by this act, the department shall provide public notice of the contract  
6 development, review written comments, and hold at least one public hearing,  
7 allowing for testimony. The building commission must approve the contract before  
8 the department may use the contract.

9 **SECTION 9102. Nonstatutory provisions; Agriculture, Trade and**  
10 **Consumer Protection.**

11 (1) TRANSFER OF FACILITY DESIGN SERVICES.

12 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
13 liabilities of the department of agriculture, trade and consumer protection that are  
14 primarily related to facility design services, as determined by the secretary of  
15 administration, shall become assets and liabilities of the department of  
16 administration.

17 (b) *Positions and employees.*

18 1. On the effective date of this subdivision, 1.0 FED position in the department  
19 of agriculture, trade and consumer protection having primary responsibility for  
20 facility design services, as determined by the secretary of administration, is  
21 transferred to the department of administration and shall become 1.0 PR-S position  
22 in the department of administration.

23 2. The incumbent employee in the position specified in subdivision 1. is  
24 transferred on the effective date of this subdivision to the department of  
25 administration.

1           3. The employee transferred under subdivision 2. has all the rights and the  
2     same status under subchapter V of chapter 111 of the statutes and chapter 230 of the  
3     statutes that the employee enjoyed in the department of agriculture, trade and  
4     consumer protection immediately before the transfer. Notwithstanding section  
5     230.28 (4) of the statutes, if the employee has attained permanent status in class  
6     immediately before the transfer, the employee is not required to serve a probationary  
7     period.

8           (c) *Tangible personal property.* On the effective date of this paragraph, all  
9     tangible personal property, including records, of the department of agriculture, trade  
10    and consumer protection that is primarily related to facility design services, as  
11    determined by the secretary of administration, is transferred to the department of  
12    administration.

13          (d) *Contracts.* All contracts entered into by the department of agriculture,  
14    trade and consumer protection that are primarily related to facility design services,  
15    as determined by the secretary of administration, are transferred to the department  
16    of administration. The department of administration shall carry out any contractual  
17    obligations under such a contract until the contract is modified or rescinded by the  
18    department of administration to the extent allowed under the contract.

19          (e) *Pending matters.* Any matter pending with the department of agriculture,  
20    trade and consumer protection that is primarily related to facility design services on  
21    the effective date of this paragraph is transferred to the department of  
22    administration and all materials submitted to and actions taken by the department  
23    of agriculture, trade and consumer protection with respect to the pending matter are  
24    considered as having been submitted to or taken by the department of  
25    administration.

1           **SECTION 9103. Nonstatutory provisions; Arts Board.**

2           **SECTION 9104. Nonstatutory provisions; Building Commission.**

3           **SECTION 9105. Nonstatutory provisions; Child Abuse and Neglect**  
4           **Prevention Board.**

5           **SECTION 9106. Nonstatutory provisions; Children and Families.**

6           **SECTION 9107. Nonstatutory provisions; Circuit Courts.**

7           **SECTION 9108. Nonstatutory provisions; Corrections.**

8           **SECTION 9109. Nonstatutory provisions; Court of Appeals.**

9           **SECTION 9110. Nonstatutory provisions; District Attorneys.**

10          **SECTION 9111. Nonstatutory provisions; Educational Communications**  
11          **Board.**

12          **SECTION 9112. Nonstatutory provisions; Employee Trust Funds.**

13          (1) POSITION AUTHORIZATIONS FOR THE DEPARTMENT OF EMPLOYEE TRUST FUNDS.

14          (a) During the 2013–15 fiscal biennium, the secretary of employee trust funds  
15          may request the governor to create or abolish a full–time equivalent position or  
16          portion thereof that is funded from revenues deposited in the public employee trust  
17          fund if the employee holding the position would perform duties relating to  
18          modernizing business processes or integrating information technology systems of  
19          the department of employee trust funds. Upon receiving such a request, the governor  
20          may approve or modify the request. If the governor proposes to approve or modify  
21          the request, the governor shall notify the joint committee on finance in writing of his  
22          or her proposed action. If, within 14 working days after the date of the governor’s  
23          notification, the cochairpersons of the committee do not notify the governor that the  
24          committee has scheduled a meeting for the purpose of reviewing the proposed action,  
25          the position changes may be made as proposed by the governor. If the cochairpersons

1 notify the governor that the committee has scheduled a meeting for the purpose of  
2 reviewing the proposed action, the position changes may be made only upon approval  
3 of the committee.

4 (b) If a full-time equivalent position or portion thereof is created under  
5 paragraph (a), the appropriation that is used to pay salary and fringe benefit costs  
6 for the position is supplemented to cover the salary and fringe benefit costs for the  
7 position.

8 (2) SURCHARGE FOR HEALTH INSURANCE FOR USE OF TOBACCO PRODUCTS. During  
9 2014 and 2015, the group insurance board, under section 40.03 (6) (cm) of the  
10 statutes, as created by this act, shall impose a premium surcharge of \$50 a month  
11 for health care coverage under sections 40.51 (6) and 40.515 of the statutes, as  
12 affected by this act, for eligible employees, as defined in section 40.02 (25) of the  
13 statutes, who use tobacco products.

14 **SECTION 9113. Nonstatutory provisions; Employment Relations**  
15 **Commission.**

16 **SECTION 9114. Nonstatutory provisions; Financial Institutions.**

17 (1) NOTICE IN DISSOLUTION AND REVOCATION PROCEEDINGS. In addition to posting  
18 the notices described in sections 180.1421 (2m) (b), 180.1531 (2m) (b), 181.1421 (2)  
19 (b), 181.1531 (2g) (b), 183.09025 (2) (d), and 183.1021 (2g) (b) of the statutes, as  
20 affected by this act, the department of financial institutions shall, for 6 months after  
21 the effective date of this subsection, publish a monthly class 1 notice under chapter  
22 985 of the statutes in the official state newspaper informing the public that notices  
23 described in sections 180.1421 (2m) (b), 180.1531 (2m) (b), 181.1421 (2) (b), 181.1531  
24 (2g) (b), 183.09025 (2) (d), and 183.1021 (2g) (b) of the statutes, as affected by this act,  
25 are posted on the department's Internet site.

1           **SECTION 9115. Nonstatutory provisions; Government Accountability**  
2   **Board.**

3           **SECTION 9116. Nonstatutory provisions; Governor.**

4           **SECTION 9117. Nonstatutory provisions; Health and Educational**  
5   **Facilities Authority.**

6           **SECTION 9118. Nonstatutory provisions; Health Services.**

7           (1) ELIGIBILITY AND PREMIUMS UNDER THE MEDICAL ASSISTANCE PURCHASE PLAN.

8           (a) *Notification of federal approval.* The department of health services shall  
9 request from the federal government approval of the treatment of section 49.472 (3)  
10 (a) and (f), (3m), (4) (a) (intro.), 1., 1m., 2. (intro.), 2m., and 3. and (b) (by SECTIONS  
11 1167 and 1168), and (5) of the statutes by this act, and shall notify the legislative  
12 reference bureau when each provision is approved. The legislative reference bureau  
13 shall publish each notice in the Wisconsin Administrative Register.

14          (b) *Void provisions.*

15          1. Notwithstanding SECTION 9418 (3) of this act, if, by January 1, 2015, the  
16 department of health services has not notified the legislative reference bureau under  
17 paragraph (a) that federal approval has been given with respect to the treatment of  
18 section 49.472 (4) (b) (by SECTION 1167) of the statutes by this act, that treatment is  
19 void.

20          2. Notwithstanding SECTION 9418 (3) and (5) of this act, if, by January 1, 2016,  
21 the department of health services has not notified the legislative reference bureau  
22 under paragraph (a) that federal approval has been given with respect to the  
23 treatment of section 49.472 (3) (a) or (f), (3m), (4) (a) (intro.), 1., 1m., 2. (intro.), 2m.,  
24 or 3. or (b) (by SECTION 1168), or (5) of the statutes by this act, that treatment is void.



**SECTION 9119. Nonstatutory provisions; Higher Educational Aids Board.**

**SECTION 9120. Nonstatutory provisions; Historical Society.**

**SECTION 9121. Nonstatutory provisions; Housing and Economic Development Authority.**

**SECTION 9122. Nonstatutory provisions; Insurance.**

**SECTION 9123. Nonstatutory provisions; Investment Board.**

**SECTION 9124. Nonstatutory provisions; Joint Committee on Finance.**

**SECTION 9125. Nonstatutory provisions; Judicial Commission.**

**SECTION 9126. Nonstatutory provisions; Justice.**

**(1) BIOLOGICAL SPECIMEN; LEGISLATIVE FINDINGS AND RULES.**

**(a) *Legislative findings.***

1. The legislative findings in this paragraph relate exclusively to the treatment in this act of sections 20.455 (2) (jb), 51.20 (13) (cr), 165.76 (1) (am), (as), (av), (aw), (b), (bg), (br), (cr), and (g), (1m), (2m), (2r), (3), and (4), 165.765 (title), (1), (1g), (1m), and (2) (a), (b), and (bm), 165.77 (1) (am), (2) (a) 2. and (b), (2m) (c), (3), (4) (intro.), (a), (am) 1., 2., and 3., and (b), and (7m), 165.84 (7), 938.21 (1m), 938.30 (2m), 938.34 (15) (a) 1., 2., and 3. and (b), 970.02 (8), 971.17 (1m) (a), 973.047 (1f), (1m), and (2), and 980.063 (1) (b) and (2) of the statutes.

2. The legislature finds that the state has a compelling interest in the accurate identification of criminal offenders and that there is a critical and urgent need to provide law enforcement officers and agencies with the latest scientific technology available for accurately and expeditiously identifying, apprehending, arresting, and convicting criminal offenders and exonerating individuals wrongly suspected or accused of a crime. The legislature further finds that deoxyribonucleic acid testing

1 allows a more certain and rapid identification of offenders as well as the exoneration  
2 of those wrongfully suspected or accused and that deoxyribonucleic acid data banks  
3 are an important tool in criminal investigations and in deterring and detecting  
4 recidivist acts. The legislature further finds that deoxyribonucleic acid testing at the  
5 earliest stages of criminal and juvenile proceedings will help prevent perpetrators  
6 from concealing their identities and will prevent time-consuming and expensive  
7 investigations of innocent individuals. The legislature further finds that the degree  
8 of intrusion on an individual's privacy interests is minimized by the method of  
9 collection of the biological sample, by the policy of using only deoxyribonucleic acid  
10 sequences not currently associated with any known physical or medical  
11 characteristics in the creation of a deoxyribonucleic acid profile, by the limited  
12 purposes for which a deoxyribonucleic acid profile may be used under state and  
13 federal law, and by the availability of expungement for individuals who are not  
14 charged with or convicted of the offenses for which the deoxyribonucleic acid sample  
15 was collected.

16 (b) *Rules.* The department of justice may, in rules it promulgates under section  
17 165.76 of the statutes, as affected by this act, bring the method to obtain or to submit  
18 a biological specimen in conformity with the act of Congress known as the Katie  
19 Sepich Enhanced DNA Collection Act of 2012 (HR-6014) to apply for nonsupplanting  
20 grant funding under that act.

21 (2) YOUTH DIVERSION GRANT REDUCTIONS.

22 (a) Notwithstanding the amount specified under section 165.987 (1) of the  
23 statutes, as affected by this act, the department of justice shall reduce the amount  
24 of money allocated under section 165.987 (1) of the statutes, as affected by this act,  
25 by \$85,900 in each of fiscal years 2013-14 and 2014-15.

1 (b) Notwithstanding the amount specified under section 165.987 (2) of the  
2 statutes, as affected by this act, the department of justice shall reduce the amount  
3 of money allocated under section 165.987 (2) of the statutes, as affected by this act,  
4 by \$18,400 in each of fiscal years 2013-14 and 2014-15.

5 (c) Notwithstanding the amounts specified under section 165.987 (3) of the  
6 statutes, as affected by this act, the department of justice shall reduce the amount  
7 of money allocated for each of the 4 contracts that are funded with moneys from the  
8 appropriation accounts under section 20.455 (2) (cr) and (kj) of the statutes, as  
9 affected by this act, by \$25,650 in each of fiscal years 2013-14 and 2014-15 and shall  
10 reduce the amount of money allocated for the contract that is funded only with  
11 moneys from the appropriation account under section 20.455 (2) (kj) of the statutes,  
12 as affected by this act, by \$18,100 in each of fiscal years 2013-14 and 2014-15.

13 **SECTION 9127. Nonstatutory provisions; Legislature.**

14 **SECTION 9128. Nonstatutory provisions; Lieutenant Governor.**

15 **SECTION 9129. Nonstatutory provisions; Local Government.**

16 **SECTION 9130. Nonstatutory provisions; Medical College of Wisconsin.**

17 **SECTION 9131. Nonstatutory provisions; Military Affairs.**

18 **SECTION 9132. Nonstatutory provisions; Natural Resources.**

19 (1) **TRANSFER OF FACILITY DESIGN SERVICES.**

20 (a) *Assets and liabilities.* On the effective date of this paragraph, all assets and  
21 liabilities of the department of natural resources that are primarily related to facility  
22 design services, as determined by the secretary of administration, shall become  
23 assets and liabilities of the department of administration.

24 (b) *Positions and employees.*

1           1. On the effective date of this subdivision, 1.0 SEG position in the department  
2 of natural resources having primary responsibility for facility design services, as  
3 determined by the secretary of administration, is transferred to the department of  
4 administration and shall become 1.0 PR-S position in the department of  
5 administration.

6           2. The incumbent employee in the position specified in subdivision 1. is  
7 transferred on the effective date of this subdivision to the department of  
8 administration.

9           3. The employee transferred under subdivision 2. has all the rights and the  
10 same status under subchapter V of chapter 111 of the statutes and chapter 230 of the  
11 statutes that the employee enjoyed in the department of natural resources  
12 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
13 if the employee attained permanent status in class immediately before the transfer,  
14 the employee is not required to serve a probationary period.

15           (c) *Tangible personal property.* On the effective date of this paragraph, all  
16 tangible personal property, including records, of the department of natural resources  
17 that is primarily related to facility design services, as determined by the secretary  
18 of administration, is transferred to the department of administration.

19           (d) *Contracts.* All contracts entered into by the department of natural resources  
20 that are primarily related to facility design services, as determined by the secretary  
21 of administration, are transferred to the department of administration. The  
22 department of administration shall carry out any contractual obligations under such  
23 a contract until the contract is modified or rescinded by the department of  
24 administration to the extent allowed under the contract.

1           (e) *Pending matters.* Any matter pending with the department of natural  
2 resources that is primarily related to facility design services on the effective date of  
3 this paragraph is transferred to the department of administration and all materials  
4 submitted to and actions taken by the department of natural resources with respect  
5 to the pending matter are considered as having been submitted to or taken by the  
6 department of administration.

7           (2) BONUS DEER HUNTING PERMIT FEE RULES. The department of natural resources  
8 may use the procedure under section 227.24 of the statutes to promulgate rules  
9 under sections 29.040 and 29.181 (4) of the statutes, as created by this act.  
10 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules  
11 promulgated under this subsection remain in effect until June 30, 2015, or the date  
12 on which permanent rules take effect, whichever is sooner. Notwithstanding section  
13 227.24 (1) (a), (2) (b), and (3) of the statutes, the department is not required to provide  
14 evidence that promulgating a rule under this subsection as an emergency rule is  
15 necessary for the preservation of the public peace, health, safety, or welfare and is  
16 not required to provide a finding of emergency for a rule promulgated under this  
17 subsection.

18           (3) DEER MANAGEMENT ASSISTANCE PROGRAM. The department of natural  
19 resources may use the procedure under section 227.24 of the statutes to promulgate  
20 rules under section 29.020 of the statutes, as created by this act. Notwithstanding  
21 section 227.24 (1) (c) and (2) of the statutes, emergency rules promulgated under this  
22 subsection remain in effect until June 30, 2015, or the date on which permanent rules  
23 take effect, whichever is sooner. Notwithstanding section 227.24 (1) (a), (2) (b), and  
24 (3) of the statutes, the department of natural resources is not required to provide  
25 evidence that promulgating rules under this subsection as emergency rules is

1 necessary for the preservation of the public peace, health, safety, or welfare and is  
2 not required to provide a finding of emergency for rules promulgated under this  
3 subsection.

4 **SECTION 9133. Nonstatutory provisions; Public Defender Board.**

5 **SECTION 9134. Nonstatutory provisions; Public Instruction.**

6 (1) CHARTER SCHOOL OVERSIGHT BOARD. Notwithstanding section 15.375 (1) of the  
7 statutes, as created by this act, the initial members appointed to the charter school  
8 oversight board under section 15.375 (1) (a) of the statutes, as created by this act,  
9 shall be appointed as follows:

10 (a) One member under section 15.375 (1) (a) 1. of the statutes, as created by this  
11 act, shall be appointed for a term expiring on May 1, 2016, and one member shall be  
12 appointed for a term expiring on May 1, 2017.

13 (b) One member under section 15.375 (1) (a) 2. a. of the statutes, as created by  
14 this act, shall be appointed for a term expiring on May 1, 2015, and one member shall  
15 be appointed for a term expiring on May 1, 2017.

16 (c) The member under section 15.375 (1) (a) 2. b. of the statutes, as created by  
17 this act, shall be appointed for a term expiring on May 1, 2016.

18 (d) One member under section 15.375 (1) (a) 2. c. of the statutes, as created by  
19 this act, shall be appointed for a term expiring on May 1, 2015, and one member shall  
20 be appointed for a term expiring on May 1, 2017.

21 (e) The member under section 15.375 (1) (a) 2. d. of the statutes, as created by  
22 this act, shall be appointed for a term expiring on May 1, 2018.

23 (f) One member under section 15.375 (1) (a) 3. of the statutes, as created by this  
24 act, shall be appointed for a term expiring on May 1, 2016, and one member shall be  
25 appointed for a term expiring on May 1, 2018.

1           (2) STATEWIDE STUDENT DATA SYSTEM. By the first day of the 3rd month beginning  
2     after the effective date of this subsection, the agencies specified in section 115.297  
3     (1) (a) of the statutes, as affected by this act, shall amend the agreement under  
4     section 115.297 (3) of the statutes, or enter into a new agreement under that section,  
5     so as to include the department of children and families and the department of  
6     workforce development in the agreement.

7           **SECTION 9135. Nonstatutory provisions; Public Lands, Board of**  
8     **Commissioners of.**

9           **SECTION 9136. Nonstatutory provisions; Public Service Commission.**

10          **SECTION 9137. Nonstatutory provisions; Revenue.**

11          (1) PRESSURE APPLIED TAX STAMPS. The department of revenue shall study the  
12     feasibility of using pressure applied stamps on cigarette packages as an indication  
13     of the tax paid under section 139.31 of the statutes and shall submit its findings to  
14     the governor no later than June 30, 2014.

15          **SECTION 9138. Nonstatutory provisions; Safety and Professional**  
16     **Services.**

17          (1) TRANSFER OF REGULATION OF CHARITABLE ORGANIZATIONS, FUND-RAISING  
18     COUNSEL, PROFESSIONAL FUND-RAISERS, PROFESSIONAL EMPLOYER ORGANIZATIONS, AND  
19     PROFESSIONAL EMPLOYER GROUPS.

20          (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
21     liabilities of the department of safety and professional services primarily related to  
22     the regulation of charitable organizations, fund-raising counsel, professional  
23     fund-raisers, professional employer organizations, and professional employer  
24     groups, as determined by the secretary of administration, including any  
25     unencumbered moneys from fees the department of safety and professional services

1 has collected from charitable organizations, fund-raising counsel, professional  
2 fund-raisers, professional employer organizations, and professional employer  
3 groups, shall become the assets and liabilities of the department of financial  
4 institutions.

5 (b) *Tangible personal property.* On the effective date of this paragraph, all  
6 tangible personal property, including records, of the department of safety and  
7 professional services that is primarily related to the regulation of charitable  
8 organizations, fund-raising counsel, professional fund-raisers, professional  
9 employer organizations, and professional employer groups, as determined by the  
10 secretary of administration, is transferred to the department of financial  
11 institutions.

12 (c) *Contracts.* All contracts entered into by the department of safety and  
13 professional services in effect on the effective date of this paragraph that are  
14 primarily related to the regulation of charitable organizations, fund-raising counsel,  
15 professional fund-raisers, professional employer organizations, and professional  
16 employer groups, as determined by the secretary of administration, remain in effect  
17 and are transferred to the department of financial institutions. The department of  
18 financial institutions shall carry out any obligations under such a contract until the  
19 contract is modified or rescinded by the department of financial institutions to the  
20 extent allowed under the contract.

21 (d) *Employee transfers.* On the effective date of this paragraph, all positions,  
22 and the incumbent employees who hold those positions, in the department of safety  
23 and professional services with duties that are primarily related to the regulation of  
24 charitable organizations, fund-raising counsel, professional fund-raisers,  
25 professional employer organizations, and professional employer groups, as



1 determined by the secretary of administration, are transferred to the department of  
2 financial institutions.

3 (e) *Employee status.* Employees transferred under paragraph (d) have all the  
4 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
5 statutes in the department of financial institutions that they enjoyed in the  
6 department of safety and professional services immediately before the transfer.  
7 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
8 has attained permanent status in class is required to serve a probationary period.

9 (f) *Rules and orders.* All rules promulgated by the department of safety and  
10 professional services that relate to the regulation of charitable organizations,  
11 fund-raising counsel, professional fund-raisers, professional employer  
12 organizations, and professional employer groups, that are in effect on the effective  
13 date of this paragraph, remain in effect until their specified expiration dates or until  
14 amended or repealed by the department of financial institutions. All orders issued  
15 by the department of safety and professional services relating to the regulation of  
16 charitable organizations, fund-raising counsel, professional fund-raisers,  
17 professional employer organizations, and professional employer groups that are in  
18 effect on the effective date of this paragraph remain in effect until their specified  
19 expiration dates or until modified or rescinded by the department of financial  
20 institutions.

21 (g) *Pending matters.* Any matter pending with the department of safety and  
22 professional services on the effective date of this paragraph that is primarily related  
23 to the regulation of charitable organizations, fund-raising counsel, professional  
24 fund-raisers, professional employer organizations, and professional employer  
25 groups, as determined by the secretary of administration, is transferred to the

1 department of financial institutions and all materials submitted to or actions taken  
2 by the department of safety and professional services with respect to the pending  
3 matters are considered as having been submitted to or taken by the department of  
4 financial institutions.

5 (h) *Fees.* All fees for initial registrations and renewals of registrations under  
6 subchapter IV of chapter 440 of the statutes and under chapter 461 of the statutes  
7 that are in effect on the day before the effective date of this paragraph shall remain  
8 in effect until modified by the department of financial institutions under section  
9 202.08 of the statutes, as created by this act.

10 (2) CONSTRUCTION SITE EROSION CONTROL. Any matter pending with the  
11 department of safety and professional services on the effective date of this subsection  
12 that primarily relates to its erosion control responsibilities under section 101.1206,  
13 2011 stats., or section 101.653, 2011 stats., as determined by the secretary of  
14 administration, remains the responsibility of the department of safety and  
15 professional services.

16 (3) REGULATION OF DANGEROUS MATERIALS.

17 (a) *Assets and liabilities.*

18 1. Except as provided in subdivision 2., on the effective date of this subdivision,  
19 the assets and liabilities of the department of safety and professional services that  
20 are determined by the secretary of administration to relate to the storage, use, and  
21 handling of flammable or combustible liquids or federally regulated hazardous  
22 substances under section 101.09, 2011 stats., become the assets and liabilities of the  
23 department of agriculture, trade and consumer protection.

1           2. The assets and liabilities that are determined by the secretary of  
2 administration to relate to the reviewing of plans subject to section SPS 310.100, Wis.  
3 Adm. Code, remain with the department of safety and professional services.

4           (b) *Employee transfer.* All incumbent employees who hold positions in the  
5 department of safety and professional services that the secretary of administration  
6 determines relate to the storage, use, and handling of flammable or combustible  
7 liquids or federally regulated hazardous substances under section 101.09, 2011  
8 stats., are transferred to the department of agriculture, trade and consumer  
9 protection on the effective date of this subdivision.

10           (c) *Employee status.* Employees transferred under paragraph (b) have all the  
11 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
12 statutes in the department of agriculture, trade and consumer protection that they  
13 enjoyed in the department of safety and professional services immediately before the  
14 transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so  
15 transferred who has attained permanent status in class is required to serve a  
16 probationary period.

17           (d) *Tangible personal property.*

18           1. Except as provided in subdivision 2., on the effective date of this subdivision,  
19 all tangible personal property, including records, of the department of safety and  
20 professional services that the secretary of administration determines relate to the  
21 storage, use, and handling of flammable or combustible liquids or federally regulated  
22 hazardous substances under section 101.09, 2011 stats., is transferred to the  
23 department of agriculture, trade and consumer protection.

1           2. The tangible property, including records, that is determined by the secretary  
2 of administration to relate to the reviewing of plans subject to section SPS 310.100,  
3 Wis. Adm. Code, remains with the department of safety and professional services.

4           (e) *Contracts.*

5           1. Except as provided in subdivision 2., all contracts that were entered into by  
6 the department of safety and professional services that the secretary of  
7 administration determines to relate to the storage, use, and handling of flammable  
8 or combustible liquids or federally regulated hazardous substances under section  
9 101.09, 2011 stats., and that are in effect on the effective date of this subdivision  
10 remain in effect and are transferred to department of agriculture, trade and  
11 consumer protection. The department of agriculture, trade and consumer protection  
12 shall carry out any obligations under such a contract until the contract is modified  
13 or rescinded by the department of agriculture, trade and consumer protection to the  
14 extent allowed under the contract.

15           2. Any contract that is determined by the secretary of administration to relate  
16 to the reviewing of plans subject to section SPS 310.100, Wis. Adm. Code, remains  
17 with the department of safety and professional services.

18           (f) *Rules and orders.*

19           1. Except as provided in subdivision 2., all rules promulgated, and all orders  
20 issued, by the department of safety and professional services, that are determined  
21 by the secretary of administration to relate to the storage, use, and handling of  
22 flammable or combustible liquids or federally regulated hazardous substances under  
23 section 101.09, 2011 stats., and that are in effect on the effective date of this  
24 subdivision shall remain in effect until their specified expiration date or until

1 amended or repealed by the department of agriculture, trade and consumer  
2 protection.

3 2. The rules and orders that are determined by the secretary of administration  
4 to relate to reviewing of plans that is subject to section SPS 310.100, Wis. Adm. Code,  
5 remain with the department of safety and professional services.

6 (g) *Pending matters.*

7 1. Except as provided in subdivision 2., any matter pending with the  
8 department of safety and professional services on the effective date of this  
9 subdivision that is determined by the secretary of administration to relate to the  
10 storage, use, and handling of flammable or combustible liquids or federally regulated  
11 hazardous substances under section 101.09, 2011 stats., is transferred to the  
12 department of agriculture, trade and consumer protection, and all materials  
13 submitted to or actions taken by the department of safety and professional services  
14 with respect to the pending matter are considered as having been submitted to or  
15 taken by the department of agriculture, trade and consumer protection.

16 2. Any pending matter that is determined by the secretary of administration  
17 to relate to the reviewing of plans that is subject to section SPS 310.100, Wis. Adm.  
18 Code remains with the department of safety and professional services.

19 (4) PETROLEUM PRODUCT INSPECTION AND STORAGE.

20 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
21 liabilities of the department of safety and professional services, that are determined  
22 by the secretary of administration to relate to the storage and inspection of  
23 petroleum products under section 101.142, 2011 stats., and chapter 168, 2011 stats.,  
24 become the assets and liabilities of the department of agriculture, trade and  
25 consumer protection.

1           (b) *Employee transfer.* All incumbent employees who hold positions in the  
2 department of safety and professional services that the secretary of administration  
3 determines relate to the storage and inspection of petroleum products under section  
4 101.142, 2011 stats., and chapter 168, 2011 stats., are transferred to the department  
5 of agriculture, trade and consumer protection on the effective date of this paragraph.

6           (c) *Employee status.* Employees transferred under paragraph (b) have all the  
7 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
8 statutes in the department of agriculture, trade and consumer protection that they  
9 enjoyed in the department of safety and professional services immediately before the  
10 transfer. Notwithstanding section 230.28 (4) of the statutes, no employee so  
11 transferred who has attained permanent status in class is required to serve a  
12 probationary period.

13           (d) *Tangible personal property.* On the effective date of this paragraph, all  
14 tangible personal property, including records, of the department of safety and  
15 professional services that the secretary of administration determines to relate to the  
16 storage and inspection of petroleum products under section 101.142, 2011 stats., and  
17 chapter 168, 2011 stats., is transferred to the department of agriculture, trade and  
18 consumer protection.

19           (e) *Contracts.* All contracts that were entered into by the department of safety  
20 and professional services that the secretary of administration determines to relate  
21 to the storage and inspection of petroleum products under section 101.142, 2011  
22 stats., and chapter 168, 2011 stats., and that are in effect on the effective date of this  
23 paragraph remain in effect and are transferred to department of agriculture, trade  
24 and consumer protection. The department of agriculture, trade and consumer  
25 protection shall carry out any obligations under such a contract until the contract is

1 modified or rescinded by the department of agriculture, trade and consumer  
2 protection to the extent allowed under the contract.

3 (f) *Rules and orders.* All rules promulgated, and all orders issued, by the  
4 department of safety and professional services, that are determined by the secretary  
5 of administration to relate to the storage and inspection of petroleum products under  
6 section 101.142, 2011 stats., and chapter 168, 2011 stats., and that are in effect on  
7 the effective date of this paragraph shall remain in effect until their specified  
8 expiration date or until amended or repealed by the department of agriculture, trade  
9 and consumer protection.

10 (g) *Pending matters.* Any matter pending with the department of safety and  
11 professional services on the effective date of this paragraph that is determined by the  
12 secretary of administration to relate to the storage and inspection of petroleum  
13 products under section 101.142, 2011 stats., and chapter 168, 2011 stats., is  
14 transferred to the department of agriculture, trade and consumer protection, and all  
15 materials submitted to or actions taken by the department of safety and professional  
16 services with respect to the pending matter are considered as having been submitted  
17 to or taken by the department of agriculture, trade and consumer protection.

18 (5) TRANSFER OF INFORMATION TECHNOLOGY POSITIONS.

19 (a) On the effective date of this paragraph, 10.0 FTE PR positions in the  
20 department of safety and professional services having responsibility for information  
21 technology, and the incumbent employees holding those positions, identified by the  
22 secretary of administration, are transferred to the department of administration.

23 (b) The employees transferred under paragraph (a) have all of the rights and  
24 the same status under subchapter V of chapter 111 and chapter 230 of the statutes  
25 in the department of administration that those employees enjoyed in the department

1 of safety and professional services immediately before the transfer.  
2 Notwithstanding section 230.28 (4) of the statutes, the employees so transferred who  
3 have attained permanent status in class may not be required to serve a probationary  
4 period.

5 (6) DIESEL TRUCK IDLING REDUCTION GRANTS.

6 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
7 liabilities of the department of safety and professional services that the secretary of  
8 administration determines relate to the awarding and administration of diesel truck  
9 idling reduction grants under section 101.45 of the statutes, as affected by this act,  
10 become the assets and liabilities of the department of administration.

11 (b) *Employee transfers.* All incumbent employees who hold positions in the  
12 department of safety and professional services that the secretary of administration  
13 determines relate to the awarding and administration of diesel truck idling  
14 reduction grants under section 101.45 of the statutes, as affected by this act, are  
15 transferred on the effective date of this paragraph to the department of  
16 administration.

17 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
18 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
19 statutes in the department of administration that they enjoyed in the department  
20 of safety and professional services immediately before the transfer.  
21 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
22 has attained permanent status in class is required to serve a probationary period.

23 (d) *Tangible personal property.* On the effective date of this paragraph, all  
24 tangible personal property, including records, of the department of safety and  
25 professional services that the secretary of administration determines relate to the



1     awarding and administration of the diesel truck idling reduction grants under  
2     section 101.45 of the statutes, as affected by this act, are transferred to the  
3     department of administration.

4           (e) *Contracts.* All contracts that were entered into by the department of safety  
5     and professional services that the secretary of administration determines relate to  
6     the awarding and administration of diesel truck idling reduction grants under  
7     section 101.45 of the statutes, as affected by this act, and that are in effect on the  
8     effective date of this paragraph remain in effect and are transferred to department  
9     of administration. The department of administration shall carry out any obligations  
10    under such a contract until the contract is modified or rescinded by the department  
11    of administration to the extent allowed under the contract.

12          (f) *Rules and orders.* All rules promulgated, and all orders issued, by the  
13    department of safety and professional services that the secretary of administration  
14    determines relate to the awarding and administration of diesel truck idling  
15    reduction grants under section 101.45 of the statutes, as affected by this act, and that  
16    are in effect on the effective date of this paragraph shall remain in effect until their  
17    specified expiration date or until amended or repealed by the department of  
18    administration.

19          (g) *Pending matters.* Any matter pending with the department of safety and  
20    professional services on the effective date of this paragraph that the secretary of  
21    administration determines relates to the awarding and administration of diesel  
22    truck idling reduction grants under section 101.45 of the statutes, as affected by this  
23    act, is transferred to the department of administration and all materials submitted  
24    to or actions taken by the department of safety and professional services with respect

1 to the pending matter are considered as having been submitted to or taken by the  
2 department of administration.

3 (7) TRANSFER OF PETROLEUM STORAGE REMEDIAL ACTION PROGRAM.

4 (a) *Assets and liabilities.* The assets and liabilities of the department of safety  
5 and professional services that the secretary of administration determines to be  
6 primarily related to activities under sections 101.143, 101.1435, and 101.144, 2011  
7 stats., become the assets and liabilities of the department of natural resources on the  
8 effective date of this paragraph.

9 (b) *Employee transfer.* All incumbent employees who hold positions in the  
10 department of safety and professional services performing duties that the secretary  
11 of administration determines to be primarily related to sections 101.143, 101.1435,  
12 and 101.144, 2011 stats., and the full-time equivalent positions held by those  
13 employees, are transferred to the department of natural resources on the effective  
14 date of this paragraph.

15 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
16 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
17 statutes in the department of natural resources that they enjoyed in the department  
18 of safety and professional services immediately before the transfer.  
19 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
20 has attained permanent status in class is required to serve a probationary period.

21 (d) *Tangible personal property.* On the effective date of this paragraph, all  
22 tangible personal property, including records, of the department of safety and  
23 professional services that the secretary of administration determines to be primarily  
24 related to activities under sections 101.143, 101.1435, and 101.144, 2011 stats., is  
25 transferred to the department of natural resources.